

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9522 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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ADITI SURENDRA MODI

Versus

GUJARAT SECONDARY EDUCATION BOARD

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Appearance:

MR SV RAJU for Petitioner

MR VIJAY H PATEL for Respondent No. 1

Ms.Harsha Devani, A.G.P., for Respondent No. 3

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CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 18/12/96

ORAL JUDGEMENT

Leave to delete respondent No.2.

Rule. Service of Rule waived by Mr.P.R.Joshi,  
appearing for Mr.V.H.Patel, learned Advocate for  
respondent No.1 Board and Ms. Harsha Devani, learned  
A.G.P. for respondent No.3.

The prayer in this petition under Article 226 of the Constitution of India relates to less marks alleged to have been given to the petitioner in so far as the subject of Chemistry and Maths I & Maths II are concerned. Yesterday when the matter reached for hearing the concerned officers of the respondent No.1 were present in the Court and on scrutiny of relevant papers it could be traced out that there was error apparent on the face of the papers of Chemistry and Maths II which would lead to addition of one mark in each of the papers. Thus, the petitioner is entitled to the addition of two marks i.e. one mark in Chemistry and one mark in Maths II paper.

In view of what is stated above the respondent No.1 is directed to issue temporary Certificate of correction of marks within a period of 10 days from the date of receipt of writ of this direction and will issue fresh mark-sheet within a period of three weeks thereafter. In case there is vacancy in future in open category in respondent No.3 college, the petitioner's case shall be considered and if there is no student having more marks than the petitioner in that category the petitioner shall be given preference while filling up such vacancy. In case there is an occasion for the Government to re-start the policy of mutual transfer the petitioner's case shall also be considered as per the aforesaid direction.

Rule made absolute in the aforesaid terms. No order as to costs.

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